

## REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the Official Action, and for the acknowledgement of Applicants' claim for foreign priority and that the certified copy of the priority document has been received. Applicants additionally wish to thank the Examiner for considering the material cited in the Information Disclosure Statement filed in the present application on September 14, 2005, by the return of the signed copies of the Forms PTO-1449 attached to the Official Action. Applicants would also like to thank the Examiner indicating that the drawings are acceptable.

In the Official Action, claims 1-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by ITO et al. (U.S. Patent Application Publication No. 2003/0149886 A1).

Upon entry of the amendment, claims 1, 2, 8, 12, 13, and 16-22 have been amended. Claims 1-22 are currently pending for consideration by the Examiner.

Claims 1-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by ITO. The Official asserts that ITO discloses all of the features recited in the claims, generally citing ITO's Figure 1 and the corresponding description. Applicants respectfully traverse this assertion, and submit that ITO fails to disclose the combination of features recited in claims 1-22. Nevertheless, in order to expedite the prosecution of the present application to allowance, each of independent claims 1, 13, and 17-22 have been amended to recite additional features which are not disclosed by ITO.

With regard to amended independent claim 1, Applicants submit that ITO fails to disclose several features recited in claim 1. For instance, Applicants submit that ITO fails to disclose the section of claim 1 that recites *a second storage that stores, during first reproduction by said reproducer, the data content of the data broadcast acquired from said first storage and control*

*information corresponding to the data content.* Applicants submit that ITO fails to disclose during a first reproduction, the data content of the data broadcast acquired from a first storage (ITO's internal HDD 104) being stored in a second storage (ITO's nonvolatile memory 110). In contrast, Applicants submit that ITO's cited paragraph [0064] only appears to disclose the storing of management information into nonvolatile memory 110. Thus, Applicants submit that ITO fails to disclose the storage of any data content of the data broadcast in ITO's nonvolatile memory 110, and certainly not the storage of the data content of the data broadcast from ITO's internal HDD 104 to ITO's nonvolatile memory 110.

Additionally, Applicants submit that ITO also fails to disclose the section of claim 1 that recites *a controller that controls said reproducer to reproduce the data broadcast, using the data content stored in said second storage, when said determiner determines that the control information stored in said second storage and the control information corresponding to said data content of the data broadcast to be reproduced coincide with each other* (emphasis added). Applicants submit that ITO's controller (ITO's data managing unit 105) fails to control ITO's reproducer (ITO's MPEG decoder 107) to reproduce the data broadcast using the data content stored in ITO's second storage (ITO's nonvolatile memory 110), since ITO's nonvolatile memory 110 does not store data content representing the data broadcast. In contrast, the cited paragraphs [0091]-[0093] disclose that after ITO's judging unit 105g judges that digital content identified by the identification information is permitted to be read, the digital content is read from ITO's internal HDD 104, not from ITO's nonvolatile memory 110.

Furthermore, amended independent claim 1 recites that the controller also *controls said reproducer to reboot the data broadcast, using the data content stored in said first storage when said determiner determines that the control information stored in said second storage and the*

*control information corresponding to said data content of the data broadcast to be reproduced does not coincide with each other.* Applicants further submit that ITO fails to disclose these explicitly recited features of amended claim 1, as well. Applicants submit that support the amendment to the claims is at least provided in Applicants' specification page 33, lines 14-21.

For at least the reasons discussed above, Applicants submit that ITO fails to anticipate independent claim 1, since ITO fails to disclose each and every feature recited in claim 1. Additionally, Applicants submit that ITO similarly fails to anticipate independent claims 13 and 17-22, since claims 13 and 17-22 recite features similar to the features discussed above regarding independent claim 1. Furthermore, Applicants submit that claims 2-12 and 14-16, which depend upon independent claims 1 and 13, respectively, are also patentable for at least the reasons discussed above, and further for the additional features recited therein. Accordingly, Applicants respectfully request that the rejection of claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by ITO be withdrawn.

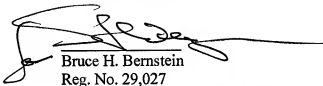
### SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of allowance of claims 1-22 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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